

Notice of Allowability

Application No.

10/821,642

Examiner

Yong Chu

Applicant(s)

GOPALAN ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/28/2006 and 5/25/2006.
2. ☒ The allowed claim(s) is/are 1,2,4-10,12-60,62-80 and 92.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 263MUM2003.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/28/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

Claims 3, 11, 61, and 81-91 are cancelled by amendments filed on 28 April 2006, and on 25 May 2006. Claims 1-2, 4, 9, 12-13, 15, 17, 19-60, 62-77, and 80 are amended by amendments filed on 28 April 2006, and on 25 May 2006. Claim 92 is amended by amendments filed on 25 May 2006. Therefore, claims 1-2, 4-10, 12-60, 62-80, and 92 are currently pending in the instant application.

Information Disclosure Statement

Applicant's Information Disclosure Statements, filed on 28 April 2006, have been considered. Please refer to Applicant's copies of the PTO-1449 submitted herewith.

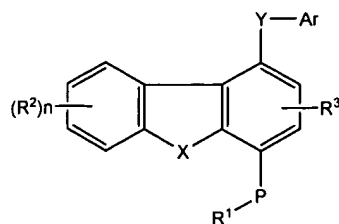
Response to Amendment

The Supplementary Amendments by Applicants' representative Jay P. Lessler dated on 28 April 2006, and on 25 May 2006 have been entered.

Reasons for Allowance

The present invention is directed to a dibenzofuran or dibenzothiophen compound useful for the treatment of inflammatory and allergic disorders. The invention is clear from prior art. The closest art of record is co-pending U.S. Patent Application 10/532,273 with same assignee and different inventive entity.

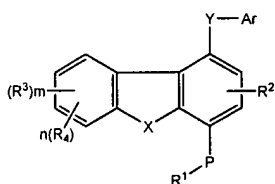
U.S. Patent Application 10/532,273 (Balasubramanian *et al.*) discloses a



dibenzofuran or dibenzothiophene compound

, which is

patentably distinct from a compound of the instant application



on the definition of the substituents of R_4 ($-NR^5R^6$, not $-NH_2$)

over R^2 ($-NH_2$, and other substituents) of Application 10/532,273.

The instant Application discloses many working examples in the Specification, which makes the invention fully enable.

Therefore, claims 1-2, 4-10, 12-60, 62-80, and 92 are allowed.

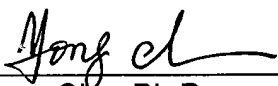
Telephone Inquiry

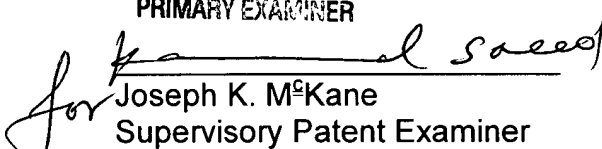
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759. The examiner can normally be reached on 7:00 am - 3:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yong Chu, Ph.D.
Patent Examiner
Art Unit 1626

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER

for Joseph K. McKane
Supervisory Patent Examiner
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